

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

PT DIAGNOSTICS, LLC

Plaintiff,

v.

- (1) Honeywell International Inc.
- (2) Sagem Avionics, Inc.
- (3) Sagem Defense Securite
- (4) Safran, S.A.
- (5) SimAuthor Inc.
- (6) Airbus S.A.S.
- (7) QinetiQ North America, Inc.
- (8) ARINC, Inc.
- (9) Flight Data Services, Inc.
- (10) Gulfstream Aerospace Corporation
- (11) Impact Technologies Corporation
- (12) Optimized Systems and Solutions, Inc.
- (13) Rockwell Collins, Inc.
- (14) Spectro, Inc.

Defendants.

Civil Action No. 2:10-cv-00493-TJW-CE

JURY TRIAL DEMANDED

**PLAINTIFF PT DIAGNOSTICS, LLC'S ANSWER TO DEFENDANT SAGEM
AVIONICS, INC.'S COUNTERCLAIMS**

Plaintiff PT Diagnostics, LLC ("PT Diagnostics"), by and through its undersigned counsel, answers the counterclaims alleged in Defendant Sagem Avionics, Inc.'s Answer and Counterclaims to PT Diagnostics Amended Complaint as follows:

THE PARTIES

- 126. PT Diagnostics admits the allegations contained in Paragraph 126 of the Counterclaims.
- 127. PT Diagnostics admits the allegations contained in Paragraph 127 of the Counterclaims.

JURISDICTION AND VENUE

128. PT Diagnostics admits the allegations contained in Paragraph 128 of the Counterclaims.
129. PT Diagnostics admits that this court has subject matter jurisdiction, but denies the remainder of the allegations contained in Paragraph 129 of the Counterclaims.
130. PT Diagnostics admits the allegations contained in Paragraph 130 of the Counterclaims.
131. PT Diagnostics admits the allegations contained in Paragraph 131 of the Counterclaims.
132. PT Diagnostics admits that it is the owner of the patents in suit, and that there is an actual controversy between the parties, but denies the remainder of the allegations contained in Paragraph 132 of the Counterclaims.

FIRST COUNTERCLAIM - DECLARATION OF NON-INFRINGEMENT

133. PT Diagnostics realleges and incorporates by reference the allegations set forth above in Paragraphs 126-132 as if fully set forth herein.
134. PT Diagnostics denies the allegations contained in Paragraph 134 of the Counterclaims.
135. PT Diagnostics admits the allegations contained in Paragraph 135 of the Counterclaims.

SECOND COUNTERCLAIM - DECLARATION OF INVALIDITY

136. PT Diagnostics realleges and incorporates by reference the allegations set forth above in Paragraphs 126-135 as if fully set forth herein.

137. PT Diagnostics denies the allegations contained in Paragraph 137 of the Counterclaims.

138. PT Diagnostics denies the allegations contained in Paragraph 138 of the Counterclaims.

139. PT Diagnostics denies the allegations contained in Paragraph 139 of the Counterclaims.

140. PT Diagnostics denies the allegations contained in Paragraph 140 of the Counterclaims.

141. PT Diagnostics denies the allegations contained in Paragraph 141 of the Counterclaims.

THIRD COUNTERCLAIM - INEQUITABLE CONDUCT

142. PT Diagnostics realleges and incorporates by reference the allegations set forth above in Paragraphs 126-141 as if fully set forth herein.

143. PT Diagnostics denies the allegations contained in Paragraph 143 of the Counterclaims.

144. PT Diagnostics denies the allegations contained in Paragraph 144 of the Counterclaims.

145. PT Diagnostics denies the allegations contained in Paragraph 145 of the Counterclaims.

146. PT Diagnostics denies the allegations contained in Paragraph 146 of the Counterclaims.

RESPONSE TO SAGEM'S "PRAYER FOR RELIEF"

PT Diagnostics denies that Sagem is entitled to any relief in this action and asks the court

to deny any and all of the relief requested by Sagem in its Answer and Counterclaims.

ADDITIONAL DEFENSES

PT Diagnostics hereby asserts the following separate additional defenses to the counterclaims and allegations contain in Sagem's Answer and Counterclaims, without admitting or acknowledging that PT Diagnostics bears the burden of proof as to any of them. PT Diagnostics further reserves its rights to seek leave to amend its Complaint, and Answers to Counterclaims to plead additional defenses and claims and/or supplement its existing defenses if information developed through discovery merits such supplementation.

First Additional Defense
(Failure to State a Claim)

1. Sagem's counterclaims fail to state a claim upon which relief can be granted.

Second Additional Defense
(Unclean Hands)

2. Sagem has committed unclean hands by alleging an inequitable conduct claim against PT Diagnostics, that is based upon inventor Brad Betters' alleged failure to disclose what Sagem knows is not a prior art system.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff PT Diagnostics, LLC respectfully requests that this Court enter:

1. A judgment denying the entirety of Sagem's counterclaims;
2. That Sagem take nothing from its counterclaims;
3. A judgment granting the entirety of the relief requested by PT Diagnostics in its Amended Complaint;
4. A judgment finding this an exceptional case based on Sagem's unclean hands, and awarding PT Diagnostics its attorneys fees and costs; and

5. Any and all other relief as the Court may deem appropriate and just under the circumstances.

DEMAND FOR JURY TRIAL

Plaintiff, under Rule 38 of the Federal Rules of Civil Procedure, requests a trial by jury of any issues so triable by right.

Dated: March 1, 2011

Respectfully submitted,

SNR DENTON US LLP

By: /s/ Mark L. Hogge

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**ATTORNEYS FOR PLAINTIFF
PT DIAGNOSTICS, LLC**

CERTIFICATE OF SERVICE

The undersigned certifies that, on March 1, 2011, pursuant to Fed. R. Civ. P. 5 and L.R. CV-5, a true and correct copy of the foregoing Amended Complaint was filed by CM/ECF and will be served automatically on all parties who have appeared in this action.

By: /s/ Mark L. Hogge

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